

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6149

BILL NUMBER: SB 49

NOTE PREPARED: Jan 27, 2011

BILL AMENDED: Jan 25, 2011

SUBJECT: Civil Penalties for Certain Disclaimers.

FIRST AUTHOR: Sen. Leising

FIRST SPONSOR: Rep. Koch

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill establishes a civil penalty of not more than \$1,000 per communication for a person who makes certain campaign communications that contain a disclaimer that is difficult to read or whose placement is easily overlooked.

It specifies the type size and color contrast for a disclaimer that meets the statutory requirements.

The bill also provides that a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer does not have liability for a disclaimer that violates the statute.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: The bill could increase the funds deposited in the state Campaign Finance Enforcement Account or a local campaign finance enforcement account. However, the amount collected will depend on the number of violators who make a disclaimer of the person who paid or authorized the political advertising difficult to read or that is easily overlooked or that violates the type size and color contrast requirements.

The state Campaign Finance Enforcement Account would receive a civil penalty of not more than \$1,000 per communication, plus investigative costs incurred for violations concerning federal, statewide, or state legislative elections. Certain individuals would be excluded from liability for violation of the statute.

Explanation of Local Expenditures:

Explanation of Local Revenues: Local campaign finance enforcement accounts could receive civil penalties of not more than \$1,000, plus investigative costs incurred for violations concerning local unit or school board elections.

State Agencies Affected: Treasurer.

Local Agencies Affected: County treasurers.

Information Sources:

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